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17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE DISTRICT OF NEVADA**

19 E.A., by and through his Guardian ad Litem,
20 CHRYSTAL WARREN, D.J., by and through his
Guardian ad Litem, IRENE JOW; G.L., by and
21 through his Guardian ad Litem, GRACE
LACUESTA,

22
23 Plaintiffs,

24 v.

25 CLARK COUNTY SCHOOL DISTRICT,
JONATHAN CRONIN, JOHN ANZALONE,
26 MARBELLA ALFONZO, DOES 150,

27 Defendants.
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CASE NO. 2:22-cv-01758-APG-VCF

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY SCHEDULING
ORDER**

[SECOND REQUEST]

The parties, through their undersigned counsel, hereby stipulate as follows:

1. STATEMENT OF DISCOVERY COMPLETED

At the Court's direction, the parties submitted their stipulated discovery plan and scheduling order (Dkt. No. 36) and the Court entered its scheduling order on December 22, 2022 (Dkt. No. 37). On April 26, 2023, the Court granted the Parties' First Request to modify the scheduling order (Dkt. No. 43). The parties have completed the following discovery to date:

1. On January 31, 2023, Defendants Clark County School District, John Anzalone, and Marbella Alfonzo (the "CCSD Defendants") served their initial disclosures.

2. On January 31, 2023, Plaintiffs served their initial disclosures.

3. On March 31, 2023, Plaintiff E.A. served Interrogatories and Requests for Production of Documents, Set One to Defendant Clark County School District.

4. On April 6, 2023, the CCSD Defendants served their first supplemental disclosures.

5. On April 14, 2023, Defendant Clark County School District served Interrogatories and Requests for Production of Documents, Set One, upon Plaintiffs E.A., G.L., and D.J.

6. On April 14, 2023, Plaintiffs noticed the depositions of Defendants Marbella Alfonzo and John Anzalone as well as non-parties Tiffany Cunningham, Crystal Collins, Carlos Morales, Antoinette Yacek, Matthew Caldwell, and Angalete Dye.

7. On April 18, 2023, the CCSD Defendants noticed the depositions of Plaintiffs E.A., D.J. and G.L., and of their *guardian ad litem*s, Chrystal Warren, Irene Jow and Grace Lacuesta.

8. On May 22, 2023, the CCSD Defendants served their second supplemental disclosures.

9. On June 28, 2023, the CCSD Defendants served amended notices of the depositions of Plaintiffs E.A., D.J. and G.L., and their *guardian ad litem*s, Chrystal Warren, Irene Jow and Grace Lacuesta.

10. On July 12, 2023, Plaintiffs served their second supplemental disclosures.

11. On July 19, 2023, Plaintiff E.A. served Requests for Production of Documents, Set Two to Defendant Clark County School District and amended deposition notices as to Defendants

Marbella Alfonzo and John Anzalone, as well as non-parties Tiffany Cunningham, Crystal Collins, Carlos Morales, Antoinette Yacek, Matthew Caldwell, and Angalete Dye. Plaintiffs also noticed the depositions of non-party Kyle Roberts and Clark County School District's 30(b)6 witness.

12. On July 26, 2023, the CCSD Defendants served their third supplemental disclosures.

13. On July 27, 2023, the CCSD Defendants served notices of issuance of subpoenas for production of records and testimony of non-parties Adam Ugaitafa, Jerry Jow and Larry Adams. The CCSD Defendants also served amended deposition notices as to each of the respective Plaintiffs' *guardian ad litem*s, Grace Lacuesta, Chrystal Warren and Irene Jow.

2. STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED

The following discovery remains to be completed:

1. The parties are meeting and conferring regarding their respective responses to initial Interrogatories and Requests for Production of Documents;
2. CCSD Defendants to respond to E.A.'s Requests for Production of Documents, Set Two;
3. Completion of all currently noticed individual depositions;
4. Additional depositions and written discovery, if needed based on information or evidence gathered through the outstanding discovery and pending depositions;
5. Disclosure of Experts, Expert Reports; and
6. Expert Discovery and Depositions.

3. REASONS WHY DISCOVERY WILL NOT BE COMPLETED BY THE CURRENT DISCOVERY CUTOFF

Under the current deadlines, lay discovery closes on August 21, 2023. However, the parties are currently in the process of meeting and conferring regarding their respective responses to initial Interrogatories and Requests for Production of Documents, and CCSD's responses to E.A.'s Requests for Production of Documents, Set Two is due August 18, 2023. In addition, Plaintiffs' motion to compel ESI evidence is currently pending. Defendant CCSD filed its response on July 26, 2023 and Plaintiffs' Reply is due August 2, 2023. There is also a significant amount of documentary evidence that is not ESI that is in dispute. On June 9, 2023, CCSD sent a meet and confer letter to Plaintiffs

regarding Plaintiffs' responses to various written discovery requests propounded by CCSD. On July 17, 2023, Plaintiffs sent a meet and confer letter to CCSD regarding CCSD's responses to E.A.'s, Requests for Production of Documents (Set One) and Interrogatories (Set One). If the parties cannot resolve the issues outlined in CCSD's June 9th and Plaintiffs' July 17th meet and confer letter, the parties will need to file motions to compel. Further, as noted above, there are currently nineteen (19) individual depositions noticed of which nine (9) are parties and/or their guardians. The parties are meeting and conferring regarding the scope of the minor Plaintiffs' depositions, which could potentially result in further motion practice. In light of the outstanding discovery requests, the number of depositions, the factual allegations raised, and the claims presented, it is unlikely the depositions will conclude prior to the currently operative discovery cutoff date. Moreover, even if depositions were complete prior to August 21, 2023, the parties would have insufficient time to propound additional written discovery or to notice any additional witnesses should the same become necessary.

4. PROPOSED SCHEDULE

The parties hereby stipulate and agree that the deadlines to complete discovery as set forth in the Scheduling Order (Dkt. No. 43) shall be extended ninety (90) days as follows:

1. **Lay Discovery Period:** The deadline to complete lay discovery shall be extended from August 21, 2023 to Monday November 20, 2023.

2. **Initial Expert Disclosure:** The deadline to file initial expert reports shall be extended from September 18, 2023 to December 18, 2023.

3. **Rebuttal Expert Disclosure:** The deadline to file rebuttal expert reports shall be extended from October 18, 2023 to January 16, 2024.

4. **Expert Discovery Period:** The deadline to complete expert discovery shall be extended from November 20, 2023 to February 20, 2024.

5. **Dispositive Motions:** The deadline to file dispositive motions shall be extended from December 20, 2023 to March 19, 2024.

6. **Pretrial Order:** If no dispositive motions are filed, the Joint Pretrial Order shall be filed thirty (30) days after the date set for the filing of dispositive motions. Therefore, the joint pretrial

order shall be extended from January 19, 2024 to April 18, 2024. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the decision on the dispositive motions or by further order of the court.

This stipulation and order is sought in good faith and not for the purpose of delay. This is the second request for a scheduling extension.

IT IS SO STIPULATED.

DATED this 31st day of July 2023.

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***Counsel for Defendants, Clark County
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 Marbella Alfonzo***

DATED this 31st day of July 2023.

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Co-Counsel for Plaintiffs

ORDER

In consideration of the stipulation by the parties, and with good cause appearing,

1. **Lay Discovery Period:** The deadline to complete lay discovery shall be extended from August 21, 2023 to Monday November 20, 2023.

2. **Initial Expert Disclosure:** The deadline to file initial expert reports shall be extended from September 18, 2023 to December 18, 2023.

3. **Rebuttal Expert Disclosure:** The deadline to file rebuttal expert reports shall be extended from October 18, 2023 to January 16, 2024.

4. **Expert Discovery Period:** The deadline to complete expert discovery shall be extended from November 20, 2023 to February 20, 2024.

5. **Dispositive Motions:** The deadline to file dispositive motions shall be extended from December 20, 2023 to March 22, 2024.

6. **Pretrial Order:** If no dispositive motions are filed, the Joint Pretrial Order shall be filed thirty (30) days after the date set for the filing of dispositive motions. Therefore, the joint pretrial order shall be extended from January 19, 2024 to April 18, 2024. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the decision on the dispositive motions or by further order of the court.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED this 1st day of August, 2023.